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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.								
10/667,278	09/22/2003	David E. McDysan	RIC01060N	8649								
25537 VERIZON PATENT MANAGEMENT GROUP 1320 North Court House Road 9th Floor ARLINGTON, VA 22201-2909	7590 01/22/2009		<div>EXAMINER</div> <div>DUONG, OANH L</div> <table border="1"><thead><tr><th>ART UNIT</th><th>PAPER NUMBER</th></tr></thead><tbody><tr><td>2455</td><td></td></tr></tbody></table> <div><table border="1"><thead><tr><th>NOTIFICATION DATE</th><th>DELIVERY MODE</th></tr></thead><tbody><tr><td>01/22/2009</td><td>ELECTRONIC</td></tr></tbody></table></div>		ART UNIT	PAPER NUMBER	2455		NOTIFICATION DATE	DELIVERY MODE	01/22/2009	ELECTRONIC
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@verizon.com

### Office Action Summary

**Application No.**

10/667,278

**Applicant(s)**

MCDYSAN, DAVID E.

**Examiner**

OANH DUONG

**Art Unit**

2455

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 September 2008.  
2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-14 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

***Specification Objection***

1. Applicant has incorrectly referred this application in the amended specification filed 09/22/2003 as 371 application. This application is 111(a) application based on the utility patent application transmittal submitted by Applicant on 22 September 2003.

***Priority***

2. As stated above, this application is 111(a) application. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d), 365(a) or 365(b) based upon an application filed in PCT/US02/08345 on 09/22/2003. A claim for priority under 35 U.S.C. 119(a)-(d), 365(b), or 365 (a) cannot be based on said application, since the United States application was filed more than twelve months thereafter. Also Applicant cannot claim the benefit under 35 U.S.C 119(e) of provisional applications: 60/276,923; 60/276,953; 60/276,954; and 60/276,955 since the period between the filing date of the provisional applications and the filing date of the instant application is more than twelve months.

***Oath/Declaration***

3. The foreign and provisional priority claimed in the oath is incorrect because the instant application was filed more than twelve months thereafter.

***Response to Remarks***

4. Examiner asserts that this application is 111(a) application based on the utility patent application transmittal submitted by Applicant on 22 September 2003. No

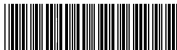
transmittal letter to the US designated/elected office concerning a submission under 35 U.S.C. 371 was submitted as the time the application was originally filed.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to OANH DUONG whose telephone number is (571)272-3983. The examiner can normally be reached on Monday- Friday, 9:30PM - 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Oanh Duong/  
Primary Examiner, Art Unit 2455

**Application Number****Application/Control No.**

10/667,278

**Examiner**

OANH DUONG

**Applicant(s)/Patent under  
Reexamination**

MCDYSAN, DAVID E.

**Art Unit**

2455